

Docket No. 2000-0086-1
USPN 09/716,041

Applicants through many months and extensive research and development was able to overcome the adverse effects of purge gas on the grating face and have perfected their grating purge design with excellent results. They deserve a patent.

Applicants do not understand the Examiner's statement:

"However it is clear that whether having a gas flow across the face of the grating or merely depends on the specific application."

Applicants suspect that something is missing from the sentence. In any event Osamu '172 is not a reference since it teaches that Applicants' invention must be avoided.

The Examiner is correct that Osamu '374 "intends" to eliminate wavelength fluctuations by blowing purge gas on the grating surface. However, the three Applicants in Osamu '374 admitted that they did not succeed as intended. This is not a matter of specific application, both patent applications covered the very same specific application; i.e., the purging of a line narrowing unit.

That specific application is the same application that Applicants' invention is directed to. The only difference is Applicants' were able to solve the problems associated with a purge flow on the grating face.

Applicants' have demonstrated that the Applicants' in Osamu '374 have stated that the purge technique described in '374 "must be avoided". This is because they could not make it work. The Examiner has offered no proof to contradict Applicants' evidence that the Applicants in Osamu '374 allowed the application to go abandoned and pursued the opposite purge technique covered in Osamu '172 and obtained an issued patent on the opposite purge technique. This is further proof that the Applicants in Osamu '374 believed that their

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described technique would not work.

Thus, the state of the prior art at the time Applicants' in the present case filed their patent application was that purge gas flow on the face of the grating must be avoided. They proved that the prior art was wrong. They have purged the face of the grating with excellent results. They deserve a patent.

Conclusion

For all the above reasons Applicants' respectfully submit that the invention as claimed in the outstanding claims is not disclosed or suggested by the prior art taken in proper and logical context and, in fact, the prior art teaches away from Applicants' invention as claimed. Therefore, Applicants' submit that the outstanding claims should be allowable and request that they be allowed.

No fee is believed due in connection with this paper. The Commissioner is hereby authorized to charge any fees that may be required, or credit any overpayment to Deposit Account No. 03-4060.

Respectfully submitted,


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